

ANGELA JACKSON,	)	
	)	
Plaintiff,	)	Case No. 3:17-cv-5278
	)	
v.	)	NOTICE OF REMOVAL TO FEDERAL
	)	COURT
CORE HEALTH & FITNESS, LLC, a	)	
Washington corporation,	)	
	)	
Defendant.	)	
	)	

Pursuant to 28 U.S.C. §§ 1331 and 1441 *et seq.*, Defendant Core Health & Fitness, LLC (“Core Health”) hereby removes the above-captioned action from the Superior Court of Washington for Clark County to this Court on the ground of jurisdiction based on original federal question jurisdiction. The following statement is submitted in accordance with 28 U.S.C. § 1446:

2. The Complaint is dated and was served on March 24, 2017. *See* Complaint.

## STATUTORY REQUIREMENTS

### Federal Question Jurisdiction

1 Pursuant to 28 U.S.C. § 1331, this Court has original jurisdiction over Plaintiff's  
2 claims based on federal question jurisdiction, because this civil action arises under the  
3 Constitution, laws, or treaties of the United States, namely, the federal Equal Pay Act and the  
4 Fair Labor Standards Act. Plaintiff has alleged in her Complaint for Damages federal claims  
5 under the federal Equal Pay Act and the Fair Labor Standards Act. *Id.*, Ex. A, p. 14 ¶¶ 94-97.  
6 Accordingly, Plaintiff's action is a civil action raising a federal question, which may be removed  
7 to this Court pursuant to the provisions of 28 U.S.C. §§ 1331, 1441, and 1446.  
8

9  
10 2. This Court also has supplemental jurisdiction over Plaintiff's state law claims  
11 under the Washington Law Against Discrimination and the Washington Equal Pay Act because  
12 they are so related to her federal claims that they form part of the same cause or controversy. *See*  
13 28 U.S.C. § 1367(a).

14 3. Removal of this action to the United States District Court for the Western  
15 District of Washington is therefore proper under 28 U.S.C. § 1441 because this Court has  
16 original jurisdiction over this action under 28 U.S.C. § 1331.

## PROCEDURAL REQUIREMENTS

17  
18 1. **Removal Is Timely.** The Complaint was served on March 24, 2017. This Notice  
19 of Removal is filed within 30 days of service and therefore removal is timely.

20 2. **Venue.** Pursuant to 28 U.S.C. § 1446(a), Core Health files this notice of removal  
21 in the United States District Court for the Western District of Washington at Tacoma, which is  
22 the federal district court embracing the state court where Jackson brought the State Court Action,  
23 Clark County, Washington.

24 3. **Intradistrict Assignment.** Pursuant to LCR 101(e) and LCR 3(d), Defendant is  
25 removing this matter to the Tacoma Division, because the civil action was commenced in Clark  
26 County, and because Plaintiff alleges that the cause of action arose in Clark County. *See*  
27 Complaint.

4. **No Waiver.** By seeking removal, Core Health does not waive, and expressly reserves, all rights, defenses, or objections of any nature that it may have to Plaintiff's claims. Specifically, Core Health does not waive any of its affirmative defenses as to sufficiency of process, sufficiency of service and/or of process, jurisdiction, venue, right to arbitration, failure to state a claim, failure to join a party, or any other affirmative defense in this matter.

5. **Notice.** A copy of this Notice of Removal and the Vivian Declaration is being served upon Plaintiff's counsel and filed with the clerk of the Superior Court of Washington for Clark County pursuant to 28 U.S.C. § 1446(d).

6. **Signature.** Pursuant to 28 U.S.C. § 1446(a), this Notice of Removal is signed subject to Rule 11.

DATED: April 13, 2017.

LANE POWELL PC

By s/ Priya B. Vivian  
Priya B. Vivian, WSBA No. 51802  
David G. Hosenpud, *pro hac vice application*  
*to be filed*  
Attorneys for Core Health & Fitness, LLC

1 **CERTIFICATE OF SERVICE**

2  
3 Pursuant to RCW 9A.72.085, the undersigned certifies under penalty of perjury under the  
4 laws of the State of Washington, that on the 13th day of April, 2017, the document attached  
5 hereto was presented to the Clerk of the Court for filing and uploading to the CM/ECF system,  
6 and also hand-delivered to the address below. In accordance with their ECF registration  
7 agreement and the Court's rules, the Clerk of the Court will send e-mail notification of such filing  
8 to the following persons:

9 Robert S. Milesnick  
10 MILESNICK LAW, PLLC  
11 1914 Broadway Street  
12 Vancouver, WA 98663  
13 360.213.0799  
14 [rob@milesnicklaw.com](mailto:rob@milesnicklaw.com)

15 Executed on the 13th day of April, 2017, at Seattle, Washington.

16 s/ Priya B. Vivian  
17 \_\_\_\_\_  
18 Signature of Attorney  
19 WSBA No. 51802  
20 Typed Name: Priya B. Vivian  
21 Address: 1420 Fifth Avenue, Suite 4200  
22 P.O. Box 91302  
23 Seattle, WA 98111-9402  
24 Telephone: 206.223.7000  
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27 Attorney(s) For: Core Health & Fitness, LLC